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and Tech Data Product Management, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)**

In re: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

Individual Case No. 13-CV-00157-SC

Master File No. 07-cv-5944-SC (N.D. Cal)

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This Document Relates to:

MDL No. 1917

*Best Buy Co., Inc., et al. v. Technicolor SA,  
et al.*, No. 13-cv-05264;

*Electrograph Systems, Inc., et al. v.  
Technicolor SA, et al.*, No. 13-cv-06325;

*Interbond Corporation of America v.  
Mitsubishi Electric & Electronics USA,  
Inc., et al.*, No. 13-cv-05727;

*Office Depot, Inc. v. Technicolor SA, et al.*,  
No. 13-cv-81174;

**DECLARATION OF SCOTT N.  
WAGNER IN SUPPORT OF DIRECT  
ACTION PLAINTIFFS' OPPOSITION  
TO DEFENDANT MITSUBISHI  
ELECTRIC CORPORATION'S  
MOTION FOR SUMMARY  
JUDGMENT BASED ON ABSENCE  
OF LIABILITY**

Before the Honorable Samuel Conti

1 *P.C. Richard & Son Long Island*  
2 *Corporation, et al. v. Technicolor SA, et*  
3 *al., No. 13-cv-06327;*  
4  
5 *Target Corp. v. Technicolor SA, et al., No.*  
6 *13-cv-05686;*  
7  
8 *Costco Wholesale Corporation v.*  
9 *Technicolor SA, et al., No. 13-cv-02037;*  
10  
11 *Schultze Agency Services, LLC v.*  
12 *Technicolor SA, Ltd., et al., No. 13-cv-*  
13 *05668;*  
14  
15 *Sears, Roebuck and Co., et al. v.*  
16 *Technicolor SA, No. 13-cv-05262;*  
17  
18 *Dell Inc., et al. v. Phillips Electronics*  
19 *North America Corporation, et al., No. 13-*  
20 *cv-2171;*  
21  
22 *Tech Data Corp., et al. v. Hitachi, Ltd., et*  
23 *al., No.13-cv-00157;*  
24  
25 *Siegel v. Technicolor SA, et al., No.13-cv-*  
26 *05261;*  
27  
28 *Viewsonic Corporation v. Chunghwa*  
*Picture Tubes Ltd., et al., No.13-cv-02510.*

1 **I, SCOTT N. WAGNER**, declare as follows:

2 1. I am a partner at the law firm of Bilzin Sumberg Baena Price & Axelrod LLP,  
3 counsel for Plaintiffs Tech Data Corporation and Tech Data Product Management, Inc. (“Tech  
4 Data”), and am licensed to practice law in the States of Florida and New York and admitted to  
5 practice *pro hac vice* before this Court. Except for those matters stated on information and  
6 belief, which I believe to be true, I have personal knowledge of the facts stated herein, and, if  
7 called as a witness, I could and would competently testify thereto.

8 2. I submit this declaration in support of Direct Action Plaintiffs’ Opposition to  
9 Mitsubishi Electric Corporation’s Motion for Summary Judgment.

10 3. Attached hereto as **Exhibit 1** is a true and correct copy of Samsung SDI  
11 Company, Ltd.’s Amended Plea Agreement dated May 12, 2011.

12 4. Attached hereto as **Exhibit 2** is a true and correct copy of Dell’s First Set of  
13 Interrogatories to Samsung SDI Company Ltd. dated September 27, 2013.

14 5. Attached hereto as **Exhibit 3** is a true and correct copy of Samsung SDI Co.  
15 Ltd.’s Responses to Dell Plaintiffs’ First Set of Interrogatories dated November 25, 2013 -

16 **FILED UNDER SEAL.**

17 6. Attached hereto as **Exhibit 4** is a true and correct copy of Samsung SDI Co.  
18 Ltd.’s Motion for Barring Deposition Pursuant to Plaintiffs’ FRCP 30(b)(6) Notice regarding  
19 Plea Issues dated August 15, 2014 - **FILED UNDER SEAL.**

20 7. Attached hereto as **Exhibit 5** is a true and correct copy of Direct Action Plaintiffs’  
21 Response to Samsung SDI Co. Ltd.’s Motion for Barring Deposition Pursuant to Plaintiffs’  
22 FRCP 30(b)(6) Notice regarding Plea Issues dated August 27, 2014 - **FILED UNDER SEAL.**

23 8. Attached hereto as **Exhibit 6** is a true and correct copy of Special Master  
24 Walkers’ Interim Order dated 9/15/2014 - **FILED UNDER SEAL.**

25 9. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from the  
26 deposition of Norikazu Nakanishi taken September 18, 2014 - **FILED UNDER SEAL.**

1           10. Attached hereto as **Exhibit 8** is a true and correct copy of the Japanese language  
2 document, Deposition Exhibit 6113, Bates numbered ME 000131622, and its certified English  
3 language translation, Deposition Exhibit 6113E - **FILED UNDER SEAL**.

4           11. Attached hereto as **Exhibit 9** is a true and correct copy of the Japanese language  
5 document, Deposition Exhibit 6125, Bates numbered ME 00088171, and its certified English  
6 language translation, Deposition Exhibit 6125E - **FILED UNDER SEAL**.

7           12. Attached hereto as **Exhibit 10** is a true and correct copy of a Samsung SDI  
8 Defendants' Second Supplemental Responses to Direct Purchaser Plaintiffs' First Set of  
9 Interrogatories, Nos. 4 and 5 dated November 25, 2013 - **FILED UNDER SEAL**.

10           13. Attached hereto as **Exhibit 11** is a true and correct copy of a Mitsubishi Electric  
11 Corporation's Supplemental Response to DAPs' First Set of Interrogatories dated September 5,  
12 2014 - **FILED UNDER SEAL**.

13           14. Attached hereto as **Exhibit 12** is a true and correct copy of the Korean language  
14 document, Deposition Exhibit 635, Bates numbered SDCRT-0006041 through SDCRT-0006042,  
15 and its certified English language translation, Deposition Exhibit 635E - **FILED UNDER**  
16 **SEAL**.

17           15. Attached hereto as **Exhibit 13** is a true and correct copy of Deposition Exhibit  
18 6120 titled Updated Exhibit B - **FILED UNDER SEAL**.

19           16. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts from the  
20 deposition of the Mitsubishi Electric Corporation corporate representative Hitoshi Tsukamoto  
21 dated September 22, 2014 - **FILED UNDER SEAL**.

22           17. Attached hereto as **Exhibit 15** is a true and correct copy of Mitsubishi Electric  
23 Corporation's Response to DAP's First Set of Interrogatories dated June 25, 2014 - **FILED**  
24 **UNDER SEAL**.

25           18. Attached hereto as **Exhibit 16** is a true and correct copy of the Japanese language  
26 document, Deposition Exhibit 6131, Bates numbered ME 00025688 through ME 00025689 and  
27 its certified English language translation, Deposition Exhibit 6131E - **FILED UNDER SEAL**.

1           19. Attached hereto as **Exhibit 17** is a true and correct copy of the Japanese language  
2 document, Deposition Exhibit 6129, Bates numbered ME 00088545 and its certified English  
3 language translation, Deposition Exhibit 6129E - **FILED UNDER SEAL**.

4           20. Attached hereto as **Exhibit 18** is a true and correct copy of the document Bates  
5 numbered ME 00088485, produced by Mitsubishi Electric and its certified English translation,  
6 Bates numbered ME 00088485E\_Translation - **FILED UNDER SEAL**.

7           21. Attached hereto as **Exhibit 19** is a true and correct copy of Deposition Exhibit  
8 6126, Bates numbered ME 00088165 and its certified English translation, Deposition Exhibit  
9 6126E - **FILED UNDER SEAL**.

10           22. Attached hereto as **Exhibit 20** is a true and correct copy of a letter from Molly  
11 Powers to Wendy Polit dated November 19, 2014- **FILED UNDER SEAL**.

12           23. Attached hereto as **Exhibit 21** is a true and correct copy of Direct Action  
13 Plaintiffs' First Set of Interrogatories to Defendant Mitsubishi Electric Corporation dated May 7,  
14 2014.

15           24. Attached hereto as **Exhibit 22** is a true and correct copy of a letter from Joel  
16 Sanders to Philip Iovieno dated July 19, 2013 - **FILED UNDER SEAL**.

17           25. Attached hereto as **Exhibit 23** is a true and correct copy of the Chinese language  
18 document Deposition Exhibit 1111, Bates numbered CHU00028558 and its certified English  
19 translation, Deposition Exhibit 1111E - **FILED UNDER SEAL**.

20           26. Attached hereto as **Exhibit 24** is a true and correct copy of the Deposition Exhibit  
21 6103 containing the Chinese language document Bates numbered CHU00028548 through  
22 CHU00028550 and its certified English translation, Bates numbered CHU00028548E through  
23 CHU00028550E - **FILED UNDER SEAL**.

24           27. Attached hereto as **Exhibit 25** is a true and correct copy of the document Bates  
25 numbered CHU00028532-33, produced by Chunghwa Picture Tubes, Ltd. and its certified  
26 translation Bates numbered CHU00028532E-33E - **FILED UNDER SEAL**.

28. Attached hereto as **Exhibit 26** is a true and correct copy of the Japanese language Deposition Exhibit 6111, Bates numbered ME 00109690 through ME 00109694 and its certified English language translation, Deposition Exhibit 6111E - **FILED UNDER SEAL**.

29. Attached hereto as **Exhibit 27** is a true and correct copy of the Japanese language Deposition Exhibit 6112, Bates numbered ME 00109911 through ME 00109912 and its certified English language translation, Deposition Exhibit 6112E - **FILED UNDER SEAL**.

30. Attached hereto as **Exhibit 28** is a true and correct copy of the Japanese language Deposition Exhibit 6123, Bates numbered HDP-CRT00023222 through HDP-CRT00023223, and its certified English language translation Deposition Exhibit 6123E - **FILED UNDER SEAL**.

31. Attached hereto as **Exhibit 29** is a true and correct copy of excerpts from the deposition of Masahiko Konishi taken December 8, 2014 - **FILED UNDER SEAL**.

32. Attached hereto as **Exhibit 30** is a true and correct copy of Judge Illston's Order Denying Toshiba Entities' Motion for Summary Judgment dated November 7, 2011.

I declare under penalty of perjury under the laws of the United States and the State of Florida that the foregoing is true and correct.

Executed this 23rd day of December, 2014, in Miami, Florida.

/s/ Scott N. Wagner

Scott N. Wagner

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that a true and correct copy of the foregoing document was electronically served upon the parties and counsel of record through the Court's ECF system on December 23, 2014.

/s/Scott N. Wagner  
Scott N. Wagner  
*Attorney for Plaintiffs*  
*Tech Data Corporation and*  
*Tech Data Product Management, Inc.*